

# State of South Dakota

## EIGHTY-FOURTH SESSION LEGISLATIVE ASSEMBLY, 2009

400Q0254

### SENATE BILL NO. 57

Introduced by: The Committee on Commerce at the request of the Public Utilities Commission

1 FOR AN ACT ENTITLED, An Act to allow the use of energy efficiency and conservation to  
2 count toward the state's renewable and recycled energy objective.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 49-34A-101 be amended to read as follows:

5 49-34A-101. There is hereby established a state renewable~~and~~, recycled, and conserved  
6 energy objective that ten percent of all electricity sold at retail within the state by the year 2015  
7 be obtained from renewable~~energy and~~, recycled, and conserved energy sources. ~~The~~ In the case  
8 of renewable and recycled energy, the objective shall be measured by qualifying megawatt hours  
9 delivered at retail or by certificates representing credits purchased and retired to offset  
10 nonqualifying retail sales. In the case of conserved energy, the objective shall be measured by  
11 methods established by rules promulgated by the commission pursuant to chapter 1-26. This  
12 objective is voluntary, and there is no penalty or sanction for a retail provider of electricity that  
13 fails to meet this objective. The objective applies to each retail provider of electricity in the  
14 state, regardless of the ownership status of the electricity retailer. Any municipal or cooperative  
15 utility that receives wholesale electricity through a municipal power agency or generation and



1 transmission cooperative may aggregate ~~its~~ the utility's renewable ~~and, recycled, and conserved~~  
2 energy objective resources to meet this objective.

3 Section 2. That § 49-34A-102 be amended to read as follows:

4 49-34A-102. Electricity qualifies for meeting the state renewable ~~and, recycled, and~~  
5 conserved energy objective if the source meets the requirements of §§ 49-34A-94 to 49-34A-96,  
6 inclusive, and the ~~public utilities~~ commission's rules for tracking, recording, and verifying  
7 renewable energy certificates. Electricity also qualifies for meeting the state renewable,  
8 recycled, and conserved energy objective if the source is conserved energy and meets the  
9 requirements established by rules promulgated by the commission pursuant to chapter 1-26.

10 Section 3. That § 49-34A-103 be amended to read as follows:

11 49-34A-103. For the purpose of calculating the amount of electricity from a renewable  
12 ~~energy and, recycled, and conserved~~ energy source needed to meet the state renewable and  
13 recycled energy objective, a retail provider may deduct from ~~its~~ the provider's baseline of total  
14 retail sales the proportion of electricity obtained from a hydroelectric facility with an inservice  
15 date before July 1, 2008.

16 Section 4. That § 49-34A-104 be amended to read as follows:

17 49-34A-104. Before using new renewable ~~and, recycled, and conserved~~ energy after July 1,  
18 2008, to meet the objective, the retail provider or ~~its~~ the provider's generation supplier shall  
19 make an evaluation to determine if the use of new renewable ~~and, recycled, and conserved~~  
20 energy is reasonable and cost effective considering other electricity alternatives. After making  
21 such an evaluation and considering the state renewable ~~and, recycled, and conserved~~ energy  
22 objective, the retail provider or ~~its~~ the provider's generation supplier may use the electricity  
23 alternative that best meets ~~its~~ the provider's resource or customer needs.

24 Section 5. That § 49-34A-105 be amended to read as follows:

1        49-34A-105. Beginning on ~~December 1, 2008~~ July 1, 2009, each retail provider shall  
2        annually report to the ~~Public Utilities Commission~~ commission on the provider's energy sales  
3        during the twelve month period ending on the preceding ~~September thirtieth~~ December thirty-  
4        first. This report shall include information regarding qualifying electricity delivered and  
5        renewable ~~energy~~ and recycled energy certificates purchased and retired as a percentage of  
6        annual retail sales, the amount of conserved energy as a percentage of annual retail sales, and  
7        a brief narrative report that describes steps taken to meet the state renewable ~~and~~, recycled, and  
8        conserved energy objective over time and identifies any challenges or barriers encountered in  
9        meeting the objective. The last annual report shall be made on ~~December~~ July 1, 2017. The  
10       commission shall make the data and narrative reports available and accessible to the public on  
11       the internet. The commission shall compile the data obtained from the reports and submit the  
12       data to the Legislature by the following January first. A distribution cooperative may aggregate  
13       ~~its~~ the cooperative's reporting through generation and transmission cooperatives and a municipal  
14       utility may aggregate ~~its~~ the utility's reporting through a municipal power agency.